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WHEREAS, Plaintiff filed his Complaint in this matter on June 23, 2011;

WHEREAS, on July 1, 2011, Pandora filed a Notice of Related Case in *Levine v. Google*, Civ. No.11-02157, which Plaintiff opposed on July 5, 2011;

WHEREAS, on July 25, 2011, the Clerk issued a Notice both in this case and in the Levine case stating that "the Court had reviewed the motion to relate and determined that no cases are related and no reassignments shall occur";

WHEREAS, on July 12, 2011, Pandora filed a Notice of Pendency of Related Action in In Re: Google Inc. Android Consumer Privacy Litigation, MDL Docket No. 2264 (the "putative" Android MDL"), identifying this matter as closely related to the matters listed on the Schedule of Actions in the Android MDL;

WHEREAS, on July 22, 2011, Plaintiff filed an Opposition to Defendant's Notice of Pendency of Related Action in the Android MDL;

WHEREAS, on July 28, 2011, at a hearing of the United States Judicial Panel on Multidistrict Litigation, the Multi District Litigation Panel indicated it would likely entertain further argument about whether to transfer this action into the broader Android MDL; and

WHEREAS, the Pandora has notified Plaintiff of its intent to file a motion to stay this matter, pending a ruling on its Notice of Pendency of Related Action in the Android MDL;

NOW THEREFORE, the Parties have agreed to the following briefing schedule on Pandora's motion to stay and continuing Pandora's time to respond to Plaintiff's Complaint:

Pandora shall file its Motion to Stay this matter by August 4, 2011 and notice the motion for hearing on September 8, 2011 at 2:00 p.m.;

Plaintiff shall file his opposition to the Motion to Stay by August 18, 2011 and defendant shall reply, if any, on or before August 25, 2011;

If Pandora's Motion to Stay is denied, Pandora shall respond to the Complaint within 10 court days of service of the order denying Pandora's motion.

If Pandora's Motion to Stay is granted, and this action is subsequently transferred into the Android MDL, Pandora's time to respond to the Complaint will be determined by the assigned

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| Fenwick & West LLP Attorneys at Law San Francisco | 1 | MDL court; |
|---|----------|--|
| | 2 | If Pandora's Motion to Stay is granted and this action is not transferred into the Android |
| | 3 | MDL, Pandora shall respond to the Complaint within ten court days of service of the order |
| | 4 | denying Pandora's motion to transfer this matter into the Android MDL. |
| | 5 | Dated: July 28, 2011 WOLF HALDENSTEIN ADLER |
| | 6 | FREEMAN & HERZ LLP |
| | 7 | By: /s/ Betsy Manifold Betsy Manifold |
| | 8 | Attorneys for Plaintiff and the Putative Class |
| | 9 | Dated: July 28, 2011 SIPRUT PC |
| | 10 | |
| | 11 | By: /s/ Joseph Siprut Joseph Siprut |
| | 12 | Attorneys for Plaintiff and the Putative Class |
| | 13 | Dated: July 28, 2011 FENWICK & WEST LLP |
| | 14 | |
| | 15 | By: <u>/s/ Tyler G. Newby</u> Tyler G. Newby |
| | 16 | Attorneys for Defendant |
| | 17 18 | PANDÓRA MEDIA, INC. |
| | 19 | <u>ORDER</u> |
| | 20 | SO ORDERED at Oakland, California this 2nd day of August, 2011. |
| | 21 | Except that motion to stay will be decided on the papers. |
| | 22 | Chadialoid |
| | 23 | Herstasie Claudia Wilken United States District Judge |
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| | | STIPULATION AND [PROPOSED] ORDER RE |